

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

June 2-6, 2003

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
6-2	EX	76/166,175	East Penn Mfg. Co., Inc.	Simms Seeherman Chapman*	2(d)	Refusal Affirmed (as to both cited registrations)		"MARINE MASTER" [electric storage batteries]	2 cited registrations, both owned by the same entity: "MARINEMASTER" [steering controls and assemblies for marine use] and "MARINEMASTER" [push-pull controls, throttle controls, shift controls, and parts thereof for marine use]	R. Clark	No
6-2	OPP (SJ)	123,285	John O. Butler Co. v. Dental Treatment Systems Ltd.	Simms Walters Rogers [Opinion "By the Board" (Kuhlke)]	2(d)	Opposition Sustained (opposer's motion for summary judgment granted)	"GUM" [toothbrushes] and "GUM" (in various stylized forms) [toothbrushes, dental floss threaders, floss handles and mouth mirrors; interdental equipment, namely, handles, brushes, stimulator handles and tips, for home use; toothpaste]	"GUMPIX" [toothbrushes, electric toothbrushes; toothpick holders, toothpicks, sub-gingival toothpicks, holders for interdental brushes, interproximal brushes, holders for interproximal brushes]			No
6-4	EX	75/932,374	Daloz Safety, Inc.	Hairston Walters Drost*	2(d)	Refusal Affirmed, but only as to cited registration of mark TITAN for protective gloves for industrial use		"TITAN BY MILLER" [fall protection equipment, namely, safety belts, safety harnesses, safety lanyards and lifelines]	2 cited registrations, owned by different entities: "TITAN" [protective gloves for industrial use] and "TITAN" [industrial shoes and workboots]	Adkins	No

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(2) *=Opinion Writer; (D)=Dissenting Panel Member

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6-4	EX	76/093,266	Optische Werke G. Rodenstock	Simms Hanak Hairston*	2(d)	Refusal Affirmed		"SOLITAIRE" [scratch resistant and anti-reflective coatings for eyeglasses sold to labs and opticians]	"SOLITAIRELENS" [contact lenses]	Tolpin	No
6-4	EX	78/075,491	Sean S. Drudy	Simms Seeherman* Chapman	2(e)(1)	Refusal Affirmed		"BEEFALOS" [public bar and restaurant, serving food and drinks]		Masterson	No
6-4	EX (R)	75/160,194	Speedway Motorsports, Inc.	Cissel* Chapman Drost	2(e)(1)	Request for Reconsideration Denied (Refusal Affirmed as to goods in Class 25 and services in Class 41)		"TEXAS INTERNATIONAL RACEWAY" [clothing, namely, sweatshirts, warm-up sets, shorts, shirts, sport shirts, golf shirts, t-shirts, suspenders, sweaters, jackets, headbands, caps, visors, straw hats, socks and infant sets, in Class 25; entertainment services in the nature of conducting motor vehicle races and exhibitions, in Class 41]		Cain	No
6-4	OPP	121,420	Leo Stoller v. York Int'l. Corp.	Quinn Hairston Drost*	2(d)	Opposition Sustained	"STEALTH" [fans, air coolers and air conditioners]	"STEALTH" [residential and commercial air conditioners, heat pumps, and furnaces]			No
6-4	EX	75/943,763	Ethnic Home Lifestyles Corp.	Cissel* Hohein Hairston	2(e)(1)	Refusal Affirmed		"ETHNIC ACCENTS" [entertainment in the nature of television programs in the field of home décor]		Gearin	Yes
6-4	EX	76/136,363	The Caregivers Advisory Panel, Inc.	Hairston* Bottorff (D) Rogers	2(e)(1)	Refusal Reversed		"THE CAREGIVERS ADVISORY PANEL" [marketing research services in the medical products and services business]		Souders	No

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6-5	EX	76/219,048	Dewey Data LLC	Hanak Walters Bucher*	2(d)	Refusal Affirmed		"DITTOCONNECTOR" [computer hardware and computer software which are both utilized for computer hard drive protection, duplication, and recovery]	"DITTO" [computer memory storage devices, namely, tape drives; computer memory storage controllers; computer memory storage tape cartridges]	Miller	No
6-5	OPP (MD)	125,728	Marilyn Carano v. Vina Concha Y Toro S.A.	Cissel Seeherman Rogers [Opinion "By the Board" (Dunn)]	whether opposer's pleading properly states a ground for opposition	Opposition Dismissed (applicant's motion to dismiss granted)		"CONCHA Y TORO EST. 1883" (and design) [wines]			Yes
6-5	EX	75/631,602	Rollyn H. Samp	Simms Hanak* Walters	2(e)(2) [primarily geographical-ly descriptive]	Refusal Affirmed		"SOUTH DAKOTA DYNASTY TRUST" (and design) [legal services; technical support services for clients and potential clients establishing a trust in South Dakota via telephone, via e-mail, and in person]		Waters-Perez	No

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6-6	EX	75/799,467	Swenco Products, Inc.	Cissel* Hanak Walters	2(d); Section 6 requirement for disclaimer of representation of an electrical connector	Refusal Affirmed on both grounds		"POSI-LOCK" (and a design incorporating a representation of an electrical connector) [electrical connectors for splicing 8-gauge and smaller stranded electrical wires, excluding straight- and right-angle radio frequency coaxial electrical connectors and excluding electrical panel units for sequentially connecting and disconnecting electrical connectors]	"POSI-LOCK" [straight and right angle radio-frequency coaxial electrical connectors]	Griffin	No

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